

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA

Plaintiff,

v.

CR 04-1849-JCH
CV 08-768-JCH/CEG

DAVID LEE TURNER,
Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED FINDINGS
AND RECOMMENDED DISPOSITION**

The Magistrate Judge filed her Proposed Findings and Recommended Disposition on December 15, 2008. See docket no. 106. The Proposed Findings and Recommended Disposition recommends that the Court deny Petitioner's Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. § 2255 because Mr. Turner has failed to establish any violation sufficient for the granting of a writ permitted by § 2255. See docket no. 101. Specifically, the Magistrate Judge found Mr. Turner's trial counsel was not ineffective pursuant to Strickland v. Washington, 466 U.S. 668 (1984). Mr. Turner filed objections to the Proposed Findings and Recommended Disposition on January 9, 2009. See docket no. 107. The Court has carefully reviewed Mr. Turner's objections de novo and finds them to be not well taken.

Wherefore,

IT IS HEREBY ORDERED THAT:

1) the Magistrate Judge's Proposed Findings and Recommended Disposition (doc. no. 106) are **ADOPTED**;

2) the Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. § 2255

(doc. no. 101) is **DENIED**; and

3) this matter is **DISMISSED WITH PREJUDICE**.


UNITED STATES DISTRICT JUDGE